

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHNNIE SEASE,

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
BCC #: _____
DATE FILED: 11.6.06

Plaintiff

-v-

No. 04 Civ. 5569 (LTS)(MHD)

JOHN DOE, et al.,

Defendants.

LAURA TAYLOR SWAIN, United States District Judge

ORDER ADOPTING REPORT & RECOMMENDATION

The Court has reviewed Magistrate Judge Dolinger's October 4, 2006, Report and Recommendation (the "Report") which recommends that Plaintiff Johnnie Sease's Complaint be dismissed with prejudice. No objections to the Report have been received.

In reviewing a report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C.A. § 636(b)(1)(C) (West 1993). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985) (citations omitted).

The Court has reviewed carefully Magistrate Judge Dolinger's thorough Report and Recommendation and finds no clear error. The Court therefore adopts the Report for the reasons stated therein. Accordingly, the Complaint is dismissed with prejudice.

The Court also certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from

this order would not be taken in good faith. See Coppedge v. United States, 369 U.S. 438, 444 (1962).

IT IS SO ORDERED.

Dated: New York, New York
November 6, 2006



Laura Taylor Swain
United States District Judge